

**SUMMARY OF PROPOSED COMMITTEE DRAFT 1 TO
BILL 59 (2015)**

RELATING TO COMPLETE STREETS.

The proposed CD1 makes technical, non-substantive changes, including the following:

1. Makes consistent all amendatory references to the ROH.
2. Clarifies the definition of "Parking meter space" by enumerating the definition.

The proposed CD1 also makes conforming amendments, including the following:

3. Adds a new Section 6 to the bill that conforms Section 15-18.6, ROH, with the proposed amendment to Section 15-22.2, ROH, in Section 5 of the bill.
4. Adds a new Section 8 to the bill that conforms Section 15-22.11, ROH, with the proposed amendment to the title of Section 15-22.8, ROH, in Section 7 of the bill.

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RELATING TO COMPLETE STREETS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend the Traffic Code of the City and County of Honolulu, as set forth in Chapter 15 of the Revised Ordinances of Honolulu 1990, to enable the City to implement complete streets features.

SECTION 2. Chapter 15, Article 2, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

"Sec. 15-2. Bicycle corral.

"Bicycle corral" means an on-street bicycle parking facility consisting of multiple bicycle racks that form a cohesive bicycle parking area."

SECTION 3. Chapter 15, Article 2, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

"Sec. 15-2. Parklet.

"Parklet" means a sidewalk extension over parking lanes or stalls that provides more public space and amenities for people using the street."

SECTION 4. Section 15-2.16, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 15-2.16 Parking meter.

"Parking meter" means a device located in the vicinity of a parking space for the purposes of extending parking privileges to persons for a certain number of minutes or hours upon the payment of the required charge by a method allowed by the parking meter. The device shall record a certain number of minutes or hours determining the period of time for which parking privileges have been extended. The term "parking meter" [shall include] includes a multi-space parking meter device located in the vicinity of the parking spaces it regulates.



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"Parking meter space" means any space [which] that is (1) within a parking meter zone, (2) regulated by a parking meter, and [which is] (3) duly designated [for the parking of a single vehicle] by lines painted or otherwise durably marked on the curb or on the surface of the street or public parking area.

"Parking meter zone" means a street, portion of a street, or other public parking area established by ordinance as a zone in which the parking of vehicles or other uses authorized by law upon such street or other public parking area [shall be] is regulated by parking meters."

SECTION 5. Section 15-22.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 15-22.2 Designation of parking meter spaces.

The director of transportation services is authorized and directed to establish, mark and designate individual parking meter spaces for the parking of a single motor vehicle [therein] or one or more bicycles, or such other uses as are authorized under this article and Chapter 14, Article 33, including complete streets features such as parklets and bicycle corrals, in the parking meter zones designated and described in Section 15-22.1 and in such other zones as may hereafter be established, including the reservation of spaces for loading and unloading of commercial vehicles for which no parking meters shall be established, which loading zone spaces [shall] must be marked and designated to extend in width eight feet from the curb or edge of the street towards the center of the street and extend in length a maximum of approximately 22 feet and a minimum length of approximately 18 feet along the curb or edge of the street."

SECTION 6. Section 15-18.6, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 15-18.6 Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle, or against a building; and in such manner as to afford the least obstruction to pedestrian [traffic.] traffic, or in parking meter spaces as authorized under Section 15-22.2 and Chapter 14, Article 33, including complete streets features such as parklets and bicycle corrals."

SECTION 7. Section 15-22.8, Revised Ordinances of Honolulu 1990, is amended to read as follows:



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"Sec. 15-22.8 [Charge for enclosure] Enclosure or obstruction of parking [meter] spaces [incidental to construction].

- (a) Before any person (other than any governmental agency) uses, encloses, obstructs or causes to be used, enclosed or obstructed any parking meter space or unmetered parking stall or portion thereof, for purposes authorized pursuant to Section 15-22.2 or Chapter 14, Article 33, including complete streets features, or incidental to erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting or demolishing any building or structure, [such] the person [shall] must pay to the department of transportation services [of the City and County of Honolulu] a processing fee of [\$5.00] five dollars for each permit issued in addition to a sum calculated at the rate of twelve dollars for each [such] parking [meter] space for each day or fraction thereof, exclusive of Sundays and state holidays, [on which such] that the space [shall be so] is used, enclosed or obstructed. The director of transportation services may waive the per day fee for parking spaces used exclusively for complete streets features as defined in Chapter 14, Article 33, for the use and enjoyment of the public.
- (b) A permit issued under subsection (a) must:
- (1) Be revocable at the discretion of the director of transportation services;
 - (2) Specify the kind of work, use, or both, that is specifically authorized;
 - (3) Require the permittee to defend and indemnify the city for all activities and liabilities associated with use of the parking space;
 - (4) Require the permittee to maintain liability insurance at amounts approved by the director of transportation services; and
 - (5) Contain such conditions as the director of transportation services finds appropriate considering public safety, surrounding uses, and the public interest, including requiring signs stating that an area designated for public use is open to the public.
- (c) A permit issued under subsection (a) for private purposes is valid for no longer than 90 days. A permit issued under subsection (a) exclusively for complete streets features as defined in Chapter 14, Article 33 for the use and enjoyment of the public may be issued for a term not to exceed 180 days.
- [(b)] (d) [No permit to enclose or obstruct any sidewalk or street area required under the "Rules and Regulations Governing the] Where the use, enclosure or obstruction



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of a parking meter space also requires a permit under Title 19, Chapter 129 of the Hawaii Administrative Rules, entitled "Use of Traffic Control Devices at Work Sites on or Adjacent to Public Streets and Highways" [adopted by the state highway safety coordinator pursuant to HRS Section 286-8 on April 11, 1968], no such permit shall be issued by the director of transportation services [of the City and County of Honolulu to any person to whom the foregoing provision is applicable] until [such person] the applicant has made [a deposit of] the [aforesaid sum,] payment required under subsection (a), based on the estimated number of days [during which] that the parking meter spaces [shall] will be so used, enclosed or obstructed. [Such person] The permittee shall notify the department of transportation services immediately upon termination of such use, enclosure or obstruction.

[(c)] (e) All moneys due and collected [hereunder] under this section [shall] must be deposited in the highway fund created by HRS Chapter 249, as amended. In the event there is a variance between the amount collected and the amount due, adjustment shall then be made by or with the department of transportation services.

(f) The director of transportation services may adopt rules pursuant to HRS Chapter 91 implementing this section."

SECTION 8. Section 15-22.11, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 15-22.11 Violations.

[No person shall violate the following provisions] It is a violation for any person to:

- (a) Cause, allow, permit or suffer any vehicle registered in the name of, or operated by, [such] the person to be parked overtime, or beyond the period of legal parking time established for any parking meter zone as herein described;
- (b) Cause, allow, permit or suffer any vehicle to be placed or remain in any parking space while the meter regulating the parking space is displaying a signal indicating illegal or overtime parking, or the receipt issued by the parking meter has expired. A special transit service vehicle [shall] will not be deemed in violation of this subsection when loading or unloading a mobility handicapped passenger as long as the parking space is not occupied for more than 15 minutes;



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- (c) Park any vehicle across any line or marking of a parking meter space or in such position that the vehicle is not entirely within the area designated by such lines or markings;
- (d) Deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this traffic code;
- (e) Deposit or cause to be deposited in any parking meter any slug, device, metal or other substance, or other substitute for lawful United States coins or currency;
- (f) Deposit or cause to be deposited in a parking meter a coin or coins or currency or make payment by credit, debit or smart card for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time, or fraction thereof, which has been established for the parking space adjacent to which such parking meter is placed;
- (g) Fail to pay the [charges] fees as required under Section 15-22.8;
- (h) Permit any special transit service vehicle to remain in a parking space without charge for more than 15 minutes or during hours when parking is prohibited, even if loading or unloading a mobility handicapped passenger;
- (i) Permit any vehicle to be or remain parked in a tow zone during tow zone hours, unless the parking is permitted under and in compliance with Section 15-14.8;
- (j) Fail to display a receipt issued by a parking meter so that the date and time are clearly visible or otherwise not in compliance with the instructions on the parking meter; and
- (k) Alter, duplicate, or transfer to another vehicle operator any receipt issued by a parking meter."

SECTION 9. Section 15-13.3, Revised Ordinances of Honolulu 1990 ("Parking stalls – Required parking therein"), is amended by amending subsection (a) to read as follows:

- "(a) The director of transportation services is authorized and directed to establish, mark and designate, where there is an apparent need therefor, a consecutive series of parking stalls for the parallel or angle parking of motor vehicles or for other uses authorized in Section 15-22.2 and in Chapter 14, Article 33 upon any street."



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 59 (2015), CD1

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SECTION 10. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.

SECTION 11. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ernest Y. Martin

DATE OF INTRODUCTION:

July 28, 2015

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu